

111TH CONGRESS
2D SESSION

S. 2941

To provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 2010

Mr. BINGAMAN (for himself and Ms. MURKOWSKI) (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Republic of the Mar-
5 shall Islands Supplemental Nuclear Compensation Act of
6 2010”.

1 **SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.**

2 Section 103(f)(1) of the Compact of Free Association
3 Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is
4 amended—

5 (1) by striking “Notwithstanding” and insert-
6 ing the following:

7 “(A) IN GENERAL.—Notwithstanding”;

8 and

9 (2) by adding at the end the following:

10 “(B) CONTINUED MONITORING ON RUNIT
11 ISLAND.—

12 “(i) IN GENERAL.—Effective begin-
13 ning January 1, 2010, the Secretary of
14 Energy shall, as a part of the Marshall Is-
15 lands program conducted under subpara-
16 graph (A), periodically (but not less fre-
17 quently than every 4 years) survey radio-
18 logical conditions on Runit Island.

19 “(ii) REPORT.—The Secretary shall
20 submit to the Committee on Energy and
21 Natural Resources of the Senate, and the
22 Committee on Natural Resources of the
23 House of Representatives, a report that de-
24 scribes the results of each survey con-
25 ducted under clause (i), including any sig-

1 nificant changes in conditions on Runit Is-
 2 land.”.

3 **SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY**
 4 **EMPLOYEES OCCUPATIONAL ILLNESS COM-**
 5 **PENSATION PROGRAM ACT OF 2000.**

6 (a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—
 7 Section 3621 of the Energy Employees Occupational Ill-
 8 ness Compensation Program Act of 2000 (42 U.S.C.
 9 7384l) is amended by adding at the end the following:

10 “(18) The terms ‘covered employee’, ‘atomic
 11 weapons employee’, and ‘Department of Energy con-
 12 tractor employee’ (as defined in paragraphs (1), (3),
 13 and (11), respectively) include a citizen of the Trust
 14 Territory of the Pacific Islands who is otherwise cov-
 15 ered by that paragraph.”.

16 (b) DEFINITION OF COVERED DOE CONTRACTOR
 17 EMPLOYEE.—Section 3671(1) of the Energy Employees
 18 Occupational Illness Compensation Program Act of 2000
 19 (42 U.S.C. 7385s(1)) is amended by inserting before the
 20 period at the end the following: “, including a citizen of
 21 the Trust Territory of the Pacific Islands who is otherwise
 22 covered by this paragraph”.

23 (c) COORDINATION OF BENEFITS WITH RESPECT TO
 24 THE COMPACT OF FREE ASSOCIATION.—Subtitle E of the
 25 Energy Employees Occupational Illness Compensation

1 Program Act of 2000 (42 U.S.C. 7385s et seq.) is amend-
 2 ed by inserting after section 3682 (42 U.S.C. 7385s–11)
 3 the following:

4 **“SEC. 3682a. COORDINATION OF BENEFITS WITH RESPECT**
 5 **TO THE COMPACT OF FREE ASSOCIATION.**

6 “(a) DEFINITION OF COMPACT OF FREE ASSOCIA-
 7 TION.—In this section, the term ‘Compact of Free Asso-
 8 ciation’ means—

9 “(1) the Compact of Free Association between
 10 the Government of the United States of America
 11 and the Governments of the Marshall Islands and
 12 the Federated States of Micronesia (48 U.S.C. 1901
 13 note); and

14 “(2) the Compact of Free Association between
 15 the Government of the United States of America
 16 and the Government of Palau (48 U.S.C. 1931
 17 note).

18 “(b) COORDINATION.—Subject to subsection (c), an
 19 individual who has been awarded compensation under this
 20 subtitle, and who has also received compensation benefits
 21 under the Compact of Free Association by reason of the
 22 same covered illness, shall receive the compensation
 23 awarded under this subtitle reduced by the amount of any
 24 compensation benefits received under the Compact of Free
 25 Association, other than medical benefits and benefits for

1 vocational rehabilitation that the individual received by
 2 reason of the covered illness, after deducting the reason-
 3 able costs (as determined by the Secretary) of obtaining
 4 those benefits under the Compact of Free Association.

5 “(c) WAIVER.—The Secretary may waive the applica-
 6 tion of subsection (b) if the Secretary determines that the
 7 administrative costs and burdens of applying subsection
 8 (b) to a particular case or class of cases justifies the waiv-
 9 er.”.

10 **SEC. 4. FOUR ATOLL HEALTH CARE PROGRAM.**

11 Section 103(h) of the Compact of Free Association
 12 Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amend-
 13 ed by adding at the end the following:

14 “(4) SUPPLEMENTAL HEALTH CARE FUND-
 15 ING.—

16 “(A) IN GENERAL.—In addition to
 17 amounts provided under section 211 of the
 18 U.S.–RMI Compact (48 U.S.C. 1921 note), the
 19 Secretary of the Interior shall annually use the
 20 amounts made available under subparagraph
 21 (B) to supplement health care in the commu-
 22 nities affected by the nuclear testing program
 23 of the United States, including capital and
 24 operational support of outer island primary
 25 healthcare facilities of the Ministry of Health of

the Republic of the Marshall Islands in the communities of—

“(i) Enewetak Atoll;

“(ii) Kili (until the resettlement of Bikini);

“(iii) Majetto Island in Kwajalein Atoll (until the resettlement of Rongelap Atoll); and

“(iv) Utrik Atoll.

“(B) FUNDING.—As authorized by section 105(c), there is appropriated to the Secretary of the Interior, out of funds in the Treasury not otherwise appropriated, to carry out this paragraph \$2,000,000 for each of fiscal years 2012 through 2028, as adjusted for inflation in accordance with section 218 of the U.S.–FSM Compact and the U.S.–RMI Compact, to remain available until expended.”.

SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—The Secretary of the Interior shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct an assessment of the health impacts of the United States nuclear testing program conducted in the

1 Republic of the Marshall Islands on the residents of the
2 Republic of the Marshall Islands.

3 (b) REPORT.—On completion of the assessment
4 under subsection (a), the National Academy of Sciences
5 shall submit to Congress, the Secretary, the Committee
6 on Energy and Natural Resources of the Senate, and the
7 Committee on Natural Resources of the House of Rep-
8 resentatives, a report on the results of the assessment.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as are nec-
11 essary to carry out this section.

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